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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,352	11/30/2005	Hossein Arvin	1652PO1US	4812
26131	7590	11/17/2006	EXAMINER	
NORMAN M. CAMERON SUITE 1401 - 1166 ALBERNI STREET VANCOUVER, BC V6E 3Z3 CANADA			MENEZES, MARCUS	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/534,352

Applicant(s)

ARVIN, HOSSEIN

Examiner

Marcus Menezes

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 3) ☒ Claim(s) 5-14 and 17 is/are pending in the application.
- 4a) Of the above claim(s) 7-14 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5,6 and 18-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/30/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 21 recites the limitation "the indicium" in the last line of the claim. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 5,6,18,20-23,25 and 26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lee (US 5,398,170).

Regarding claims 18 and 21, Lee discloses a device (100) for creating illuminated indicia, the device comprising a light source (104); a light emitting member (106), the light emitting member having a first section and a second section (136), the first section being exposed to the light source, the second section being transparent and having an exposed remote edge (111); and means for directing light from the light source onto the first section of the light emitting member, the first section of the light emitting member receiving light from the light source, said light being transmitted through the light emitting member to the exposed remote edge; wherein light is emitted

Art Unit: 3677

from the light emitting member at the exposed remote edge. (See Fig. 1, col. 6, lines 1-16, col. 3, lines 54-60, and col.6, lines 35-39). Further, said light emitting member is composed of fluorescent material and the second section has a cross-section generally in the form of indicium. (See Abstract).

Regarding claims 20 and 25, Lee also discloses a light emitting member that includes a light stimulating agent selected from the group consisting of fluorescent pigments, phosphorescent pigments and ultraviolet pigments. (See col. 3, lines 54-60).

Regarding claim 5, said means for directing the light is a chamber (102) and the second section of the light emitting member extending outwardly from the chamber. (See Fig. 1).

Regarding claim 6, said chamber has front, back, top, bottom, and opposite side panels, wherein the front, back, top, bottom, and side panels are made of an opaque material with a reflective internal surface and the light source is in the chamber. (See Figs. 1 and 8 and col. 6, lines 56-65).

Regarding claims 22 and 23, Lee discloses that a constant passive illumination is created at the exposed remote edge under indoor and outdoor conditions and said light causes a halo effect at the exposed remote edge. (See Figs. 7 and 8).

Regarding claim 26, Lee discloses that the indicium is a letter or a numeral. (See Figs. 7 and 8).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee.

Lee discloses that the first section of the light emitting member is a first color and the second section of the light emitting member is a section color. (See col. 3, lines 12-35). Further, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included differing colors for the light emitting member, since it has been held to be within the general skill of a worker in the art to select a known color or shape on the basis of its suitability for the intended use is a matter of design choice.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Menezes whose telephone number is 571-272-6284. The examiner can normally be reached on 8:00am - 5:30pm M-F.

Art Unit: 3677

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcus Menezes

Examiner

Art Unit 3677

MM

  
**ROBERT J. SANDY**  
**PRIMARY EXAMINER**